**South Carolina General Assembly**

124th Session, 2021-2022

**H. 5192**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Kirby and Davis

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Introduced in the House on March 31, 2022

Currently residing in the House Committee on **Judiciary**

Summary: Local Government - Special Purpose Districts

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/31/2022 House Introduced and read first time ([House Journal‑page 32](file:///h:\hj\20220331.docx))

3/31/2022 House Referred to Committee on **Judiciary** ([House Journal‑page 32](file:///h:\hj\20220331.docx))

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**VERSIONS OF THIS BILL**

[3/31/2022](file:///p:\pprever\2021-22\5192_20220331.docx)

**A** **BILL**

TO AMEND SECTION 6‑29‑760, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROCEDURE FOR THE ENACTMENT OF ZONING REGULATIONS OR MAPS, SO AS TO, AMONG OTHER THINGS, ENHANCE THE NOTICE PROVISIONS FOR LANDOWNERS WHOSE LAND IS THE SUBJECT OF A PROPOSED AMENDMENT AND CONTIGUOUS PROPERTY OWNERS, TO ALLOW AN OWNER OF CONTIGUOUS LAND OR HIS REPRESENTATIVE TO APPLY TO A COURT OF COMPETENT JURISDICTION FOR INJUNCTIVE AND SUCH OTHER RELIEF AS THE COURT MAY CONSIDER PROPER, INCLUDING RENDERING THE ORDINANCE OR AMENDMENT INVALID, IF THE GOVERNING AUTHORITY OR THE PLANNING COMMISSION FAILED TO PROVIDE THE REQUIRED NOTICE, AND TO PERMIT A COURT OF COMPETENT JURISDICTION TO IMPOSE A CIVIL FINE ON THE GOVERNING AUTHORITY OR THE PLANNING COMMISSION THAT FAILED TO PROVIDE THE REQUIRED NOTICE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 6‑29‑760 of the 1976 Code is amended to read:

“Section 6‑29‑760. (A)(1) Before enacting or amending any zoning regulations or maps, the governing authority or the planning commission, if authorized by the governing authority, shall hold a public hearing on it, which must be advertised and conducted according to lawfully prescribed procedures. If no established procedures exist, then at least fifteen days’ notice of the time and place of the public hearing must be given in a newspaper of general circulation in the municipality or county. In cases involving rezoning~~,~~;

(a) landowners whose land is the subject of a proposed amendment and owners of contiguous property must receive at least fifteen days’ written notice of the time and place of the hearing by certified mail, return receipt requested; and

(b) conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property.

(2) If the local government maintains a list of groups that have expressed an interest in being informed of zoning proceedings, notice of such meetings must be mailed to these groups. No change in or departure from the text or maps as recommended by the local planning commission may be made pursuant to the hearing unless the change or departure be first submitted to the planning commission for review and recommendation. The planning commission shall have a time prescribed in the ordinance which may not be more than thirty days within which to submit its report and recommendation on the change to the governing authority. If the planning commission fails to submit a report within the prescribed time period, it is deemed to have approved the change or departure. When the required public hearing is held by the planning commission, no public hearing by the governing authority is required before amending the zoning ordinance text or maps.

(B)(1) ~~If~~ A landowner whose land is the subject of a proposed amendment or a contiguous property owner ~~will~~ must be allowed to present oral or written comments to the planning commission~~,~~.

(2) At least ten days’ notice and an opportunity to comment in the same manner must be given to other interested members of the public~~, including owners of adjoining property~~.

(C)(1) An owner of adjoining land or his representative has standing to bring an action contesting the ordinance or amendment; however, this subsection does not create any new substantive right in any party.

(2) Notwithstanding another provision of law, if the governing authority or the planning commission fails to provide the notice required pursuant to subsection (A), an owner of contiguous land or his representative may apply to a court of competent jurisdiction for injunctive and such other relief as the court may consider proper including, but not limited to, rendering the ordinance or amendment invalid. If the court finds that the governing authority or the planning commission failed to provide the notice required pursuant to subsection (A), it may, in addition to the relief specified in this item, impose a civil fine of five hundred dollars on the governing authority or the planning commission.

~~(D)~~ ~~No challenge to the adequacy of notice or challenge to the validity of a regulation or map, or amendment to it, whether enacted before or after the effective date of this section, may be made sixty days after the decision of the governing body if there has been substantial compliance with the notice requirements of this section or with established procedures of the governing authority or the planning commission.~~”

SECTION 2. This act takes effect upon approval by the Governor.

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